

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID THOMAS,
Plaintiff,
v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. [15-cv-04330-JD](#)

ORDER TO SHOW CAUSE

Pro se plaintiff David Thomas filed this case on September 22, 2015. At 1:30 p.m. on Wednesday, January 13, 2016, the Court held a case management conference. Plaintiff did not appear at this conference. Plaintiff had made no prior request to be excused from the hearing or to reschedule the hearing date. Accordingly, plaintiff's failure to appear is unexcused and violates the Court's standing order for civil cases.

In addition, there is no indication in the ECF docket for this case that plaintiff has served a summons on any of the defendants. There is no ECF entry suggesting that plaintiff has even requested the Clerk of the Court to issue a summons. Plaintiff still has a small window until January 20, 2016 to effect service under Federal Rule of Civil Procedure 4(m)¹ but appears not to be making any effort to do so.

These failures concern the Court. Mr. Thomas is ordered to show cause, in writing, why the Court should not dismiss this case for failure to prosecute. Mr. Thomas' written response is due by January 22, 2016, and should address the following:

¹ As of December 1, 2015, Rule 4(m) only allows 90 days for service, but this case was filed before the Rule changed and plaintiff is pro se, so the Court applies the longer, 120 day period for service.

(1) Why the Court should not sanction him for his failure to appear at the case management conference in this matter;

(2) Whether the defendants were served with the complaint and other materials required by Civil Local Rules 4-2 and 16-2 by the January 20, 2016 deadline, or if they were not, whether Mr. Thomas had good cause for his failure to do so.

Mr. Thomas is warned that the Court will dismiss this action without prejudice if he does not serve the defendants by January 20, 2016, or demonstrate good cause for his failure to do so by January 22, 2016, or otherwise fails to comply with this order.

Mr. Thomas is reminded that Civil Local Rule 3-9(a) explicitly states that a party representing himself without an attorney is still “bound by the Federal Rules, as well as by all applicable local rules. Sanctions (including default or dismissal) may be imposed for failure to comply with local rules.” If Mr. Thomas intends to continue pursuing this case, he may wish to consult a manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information, is available online at: <http://cand.uscourts.gov/proselitigants>.

IT IS SO ORDERED.

Dated: January 14, 2016



JAMES DONATO
United States District Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 14, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Thomas
380 Bryan Drive
Alamo, CA 94507

Dated: January 14, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO